



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/577,092

03/09/2007

Thomas Linden

710.1042

4326

7590 06/12/2008  
William C. Gehris  
Davidson Davidson & Kappel  
485 Seventh Avenue  
14th Floor  
New York, NY 10018

EXAMINER

PECHE, JORGE O

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,092	<b>Applicant(s)</b> LINDEN, THOMAS	
	<b>Examiner</b> JORGE O. PECHE	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/25/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

**Matsumoto et al. (Patent No.: 5,865,265).**

Regarding **claim 8-10**, Matsumoto discloses a vehicle travel aiding device for measuring a distance between a preceding vehicle and a relative running speed of two vehicles. The method comprises the steps of:

- Determining an intervehicular distance between the actual and preceding vehicles (actual value of a distance variable) (see col. 3, lines 1-3; col. 7, lines 41-45).
- Determining a circumstance, response, and road condition values (a plurality of weighting values) for the intervehicular distance as a function of wiper switch, light switch, brake operation and handle operation signals (input variables) , which describe a vehicle driving situation, vehicle ambient situation, and/or driving behavior (see col. 7, line 41-col. 10, line 30; Figures 4-8).

Art Unit: 3664

- Determining a correct reference distance values (set point value) for the intervehicular distance as a function of wiper switch, light switch, brake operation and handle operation signals. The reference distance values are restricted to a predetermined value range (see col. 3, line 50 – col. 4, line 27; col. 5, line 40-col. 6, line 3; col. 7, line 41-col. 10, line 30; Figures 4-8).
- Actuating a brake and/or engine output to keep the necessary intervehicular distance (see col. 5, lines 5-17; col. 10, lines 25-30).

However, Matsumoto fails to disclose a method for multiplying the weighting values by one another to determine the set point value of the distance variable, and wherein to determine the set point value of the distance variable a geometric average of the weighting values is formed.

However, Matsumoto discloses an intervehicular distance alarm control (31) within a computer control portion (3) to determine the circumstance, response, and road condition values (a plurality of weighting values) as well as to calculate the correct reference distance values (set point value) for an intervehicular distance (see (see col. 3, line 50 – col. 4, line 27; col. 5, line 40-col. 6, line 3; col. 7, line 41-col. 10, line 30; Figures 1-8). Under this process, the computer control portion (3) can process the above parameters by implementing a mathematic algorithm such a multiplication process and geometric average.

Doing so would enhance a vehicle travel aiding device capable to increase or decrease an intervehicular distance.

Regarding **claim 11**, Matsumoto discloses correct reference distance values (set point value) defined by a predefining an upper and lower value (see tables 1-3).

Regarding **claim 12** refers to **claim 8-10**.

Regarding **claim 13**, Matsumoto discloses an alarm generating portion (4) for warning the driver of the vehicle if the intervehicular distance drops below the correct reference distance value (see col. 6, line 55 – col. 7, line 6, Figures 1-8).

Regarding **claim 14** refers to **claim 8**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge O. Peche whose telephone number is (571)270-1339. The examiner can normally be reached on 8:30 am - 5:30 pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3664

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge O Peche/

Examiner, Art Unit 3664

/Khoi H Tran/

Supervisory Patent Examiner, Art Unit 3664